

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

The council meeting convened in Conference Room 680, 6th floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Councilors Temple Lentz, Karen Dill Bowerman, Gary Medvigy and Eileen Quiring O'Brien, Chair, joined via WebEx. Councilor Julie Olson absent.

PUBLIC HEARING: BUILDABLE LANDS UPDATE

To consider recommendations from the Buildable Lands Project Advisory Committee and other interested stakeholders to update the methodology and assumptions used in the Vacant Buildable Lands Model (VBLM), the tool used to estimate land capacity in Clark County.

O'BRIEN: We're going to move now to the public hearing on Buildable Lands Update and it will be Jose Alvarez and Oliver Orjiako.

OTTO: And just if I can really quick just before we get started, just a reminder to everybody, we do have the court reporter here so please speak clearly, and then when we get to public testimony, if the community members could please spell your last name for the record. Thank you.

ORJIAKO: Thank you, Madam Chair, and Council members. Oliver Orjiako, Community Planning Director. If I may, Councilors, staff is here to present the work and recommendation of the Buildable Lands Project Advisory Committee on improvements to

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

the vacant buildable lands model methodology and assumptions.

The Buildable Lands Project Advisory Committee members were appointed by the Council with a representative from Clark County Realtors Association; the Building Industry Association; the City of Vancouver and the City of La Center.

In the case of La Center, the representative from La Center was appointed by all the small cities to represent them on the committee, so it's not a staff from the City of La Center as was the case for the City of Vancouver, just want to make that observation; Clark County Responsible Growth Forum; and a representative from Columbia Economic Development Council; Clark County Citizens United; Friends of Clark County; Development Engineering Board Advisory, two members; two members from our Clark County Planning Commission; and a member from the Vancouver City Planning Commission; and then a representative from NACCC, Neighborhood Advisory Council of Clark County, that's the make up of the project advisory group.

I sincerely would like to thank them, I may not get the opportunity, I would like to thank them for the work that they've done and also to thank my Project Manager, Jose

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

Alvarez, and then of course Bob Pool who we relied on throughout the process, we couldn't have gotten here without Bob, extensive and (inaudible) and work to support the group and staff as well.

What I would like to add before I turn it over to Jose who will be briefly presenting the background and then introducing the consultant that help us with this work and introducing the consultant team, following the Council direction, I would like the Council to know that the buildable lands report will be presented to the Council at a later date upon the completion of that report.

Staff will come to the Council in a public hearing with their resolution to approve the report before it is submitted to the Washington State Department of Commerce. So your direction will help us in preparing that report and you will see it before it goes to the State.

So with that, I will turn it over to Jose who will go over the staff report, background and then introduce our consultant. Thank you, Councilors.

ALVAREZ: Thank you, Oliver. Good evening, Councilors. Jose

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

Alvarez, Community Planning for the record. We're going to have two presentations. First will be our consultants from ECONorthwest and Becky Hewitt will provide an overview of the project and the Advisory Committee recommendations and then Bob Pool, our GIS Manager, will review five different model runs that were requested by Council, I think you're familiar with but for the public I just want to give you sort of a brief high-level history of this project, sort of originated in response to the buildable lands guidelines that were issued by Commerce in 2018.

We held a work session May 29th, 2019, with the Council to review the Guidelines and Issue Paper. We had a October, well, in I think July of that year there was Council approved the public participation plan which included the Advisory Committee.

In October Council approved the contract with ECONorthwest and the scope of work. There was a work session January 29th of 2020 to review the topics that the Advisory Committee would be considering and the Council approved those topics.

The Committee met eight times over a little over a year. The work session on March 3rd of 2021 was with Council to go over

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

the recommendations of the Advisory Committee. Subsequent to that there was a Council Time April 14th for to, for Council to consider a letter from the Building Coalition that led to additional discussion.

And then another Council Time May 19th, 2021, where we reviewed the five different versions of the VBLM that Bob Pool is going to go over with you shortly.

I wanted to take a moment just to thank ECONorthwest and AHBL our consultants for all their work and expertise they brought to this process and of course Bob Pool as Oliver mentioned, we couldn't have done this without. So I'll turn it over to Becky now.

HEWITT: Hi. I'm Becky Hewitt with ECONorthwest. Thank you, Oliver, and, Jose, and I have Bob Parker from ECONorthwest is on the line as well this evening and is going to provide a little bit of, kind of context of the buildable lands process, but I want to just build on what Jose said a little bit about the process of the PAC and kind of how we worked with them.

So our process with them included an initial stage of identifying the issues that they would review and that built

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

on issues that were identified by staff, things that came out of Council's input, but we -- before we started we had agreed on kind of a list of issues that we would bring forward for consideration and then we worked through those issues over the course of eight meetings.

And the project team would bring analysis and information to the PAC for consideration, sometimes PAC members would bring in additional information to share with the group and we would work, we worked through those topics and got, you know, kind of refined what the options were and ultimately then ran some initial models to kind of test how they would work together and brought that feedback back to the group before asking them to take a vote.

We had also agreed upfront on the decision protocol that the group would use which was that two-thirds of the members needed to support a refinement in order for it to be included as a recommendation of the group. And so the things that are presented to you as a recommendation from the PAC they all had at least two-thirds support from the members who were there to vote. So if you can go to the next slide.

Bob Parker is going to give, sorry, one more past that, Bob

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

Parker is going to give just a little bit of an overview about kind of the buildable lands process and the context of the project and then I'll talk through some of the outstanding issues that have come out of the PAC process that have been the subject of additional comment since then and then wrap up with some of the other recommendations that came out of the PAC.

PARKER: Thanks, Becky. Thank you, Councilors. For context and for the record my name is Bob Parker, I'm with ECONorthwest, Project Director.

Before we get into the details of this we want to just put this work in context. And so the GMA requires counties to do periodic monitoring under what's called the Buildable Lands Program and effectively what that does is it requires counties and cities to collect data on buildable lands and to analyze how planning goals are being achieved through that, so it's basically a monitoring program that sets the stage for subsequent update of the comprehensive plan. All of this work results in what's called the buildable lands report and Oliver just mentioned that that report will be brought to you in a future date for review.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

So effectively the program requires the County to look at two things; one is whether cities and counties and cities are achieving urban densities that are contained in the countywide planning policies and the second is to identify regional measures other than adjusting the urban growth areas that will be taken to comply with the requirements if others requirements aren't being, aren't being met.

So in this context this project was fairly narrowly construed. Staff asked us to look at a set of assumptions that went into the vacant buildable land model, so the basically it's the foundation or the underpinning of this entire process, the first part of the process.

And as Becky said we worked with the committee through this process to review these, the assumptions, and effectively the output of that end up being an assessment of how much land is available and the capacity of that land to accommodate growth over the planning period.

So let me turn it back over to Becky who's going to go through some of the specific elements of it. The last thing I would say is that Jose and Oliver mentioned in 2017 the State passed additional guidelines or guidance about the buildable lands

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

program and established a guidebook, we followed the guidance in the guidebook very closely throughout the process and one of the key elements that they advise in there is to show your work, so to the extent possible in all instances we tried to produce a detailed fact base of how we got to the analysis, how the assumptions are justified and how they fit into the model.

HEWITT: Thanks. Can you go to the next slide, please. Okay. So there are a couple of issues that were either the subject of a recommendation from the Buildable Lands PAC but came up subsequently in public comment as where there was desire for something other than what the PAC recommended and then a few other things that the PAC did not reach a recommendation on.

So the first one that I'm going to talk about is market factor. So Bob mentioned the guidelines. The guidelines are pretty clear about what the market factor is intended to capture which is it's intended to reflect land that is going to remain unavailable for development for the entirety of the planning period.

And so because of this, it's the kind of most consistent with those guidelines to focus the market factor on what the county

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

has been calling a never to convert factor on the supply side meaning on the supply of land. So what share of the existing land will not convert over the balance of the planning period.

In terms of a specific factor, measuring it precisely is kind of challenging, but the project team brought some analysis to the Advisory Committee that suggested that the existing never to convert factors are roughly right given observed trend. 11 of the 12 members who voted in the final meeting voted in support of retaining those existing never to convert factors for residential at a minimum. Some of the members express support for higher market factors, but that did not have broader support from the rest of the PAC.

We understand the building industry is advocating for higher market factor either by adding a demand side factor meaning increasing the land need at the comprehensive plan update or by increasing the supply side the never to convert factor. And in considering those comments we would just note that the committee input and input from the real estate expert are identified in the guidebook as things that counties can consider in establishing appropriate market factor, but given the emphasis on showing your work we would suggest that you want to make sure that there's an evidence base that you can

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

point to behind any different market factors that you might ultimately approve. Next slide, please.

So this next one for residential in Vancouver's commercial areas are trying to account for development that has been occurring in those areas and more accurately reflect where development's been occurring and the changes in zoning regulations that have occurred since the last buildable lands update.

The guidelines emphasize that you should reflect what has actually occurred in evaluating whether your land supply is sufficient going forward. So making these changes to the model is important to reflect accurately the amount of residential development that has been occurring in those areas.

9 to 10 of the 12 PAC members voted in support of these 9 on the mixed use split and 10 on the redevelopment rates voted in support of these assumptions that you see on this slide, a smaller number of the PAC members would have supported a higher redevelopment rate and a higher residential split based on kind of looking at what's in the pipeline now versus looking back historically, but again there was not sufficient

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

support from the rest of the PAC for that recommendation to carry.

The building industry has pushed back against adding some of these factors into the model. I would note that some of the folks who signed onto those letters did also participate in the PAC and vote in favor of these recommendations so, you know, I think all of those perspective were considered when the PAC reached, reached their recommendations. Next slide, please.

So infrastructure set asides, these were the subject of extensive analysis by the project team including AHBL, a planning and engineering firm with expertise in civil engineering and stormwater management. The team and the PAC considered a whole range of factors that could potentially increase the amount of land needed for stormwater management in particular and also revisited other infrastructure set asides.

And after that extensive review, the project team recommends a deduction of 31 and a half percent of developable land based on a pretty detailed review of the final plat from subdivision that the building industry had identified as relevant examples

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

as well as consideration of a broader countywide plat dataset. The PAC did not reach a final recommendation on the infrastructure set asides but did consider, consider the information that was submitted by the Building Industry Coalition and considered the factors that they raised throughout the PAC process.

And we did also just want to urge some caution in relying on the 34 percent that the Building Industry Coalition recommended because it was based on an older version of a pretty similar dataset to the one that informed the 31 and a half percent and there were a couple of issues with the original version of the data that were flagged in one of the memos, and so even kind of looking at a similar evidence base, we think the more accurate representation of the infrastructure need is about 31 and a half percent. Next slide, please.

On critical lands, again the PAC didn't come to a final recommendation on the critical lands. These deductions are intended to reflect a variety of different regulatory constraints some of which fully preclude development and others provide options for development and so the project teams analysis showed that about 40 percent of mapped critical

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

lands historically have not been developed and that encompasses critical lands that are projected as required open space as part of a development when the analysis on the, on the overlap between critical lands and open space was that the vast, vast majority of open space in subdivisions was mapped critical lands, so this accounts for open space requirements fairly completely, and so the PAC did not reach a final recommendation on this.

The building industry followup I believe was in support of a deduction for open space requirements and critical lands that I think this does cover both of. Next slide, please.

On land for school and parks, this the model accounts for existing land owned by schools and parks and that's removed from the model. Additional land that is potentially needed to accommodate growing population and serve a growing population is not specifically accounted for in the vacant buildable lands model.

I know staff has been coordinating with schools and parks about their needs for the remainder of their period, and I'll let Jose speak to that either now or after the presentation, but the challenge is just to make sure that if you were to

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

incorporate something into the model that you don't double count because as land is acquired, it will come out of your inventory of available land and so that that's if you do try to incorporate a kind of fixed set aside, there's just this sort of disconnect between land that you think you will need and then the land that gets acquired and taken out of the model that could create some double counting issues.

Jose, did you want to speak to schools and parks now or do you want to circle back to that?

O'BRIEN: Actually, I'm going to ask that he circles back. So go ahead, Becky.

HEWITT: Okay. Thank you. Okay. So next slide, please. So then there were a number of other recommendations from the PAC that I'm going to just touch on a little more briefly. If you can go to the next slide.

There were a number of refinements to the model that were supported pretty broadly by the PAC that as far as I'm aware have not been the subject of additional public comment that were several of these relate to adjustments to the classifications used for residential and commercial lands and

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

these are summarized here. Again, just trying to sort of more accurately capture lands that is developable and land that is not developable. Next slide, please.

On employment density, infrastructure gaps and rural capacity, the PAC considered all of these things as whether adjustments were needed, but ultimately did not identify any needed adjustments to the model to address employment density or places that might not have infrastructure available within the planning horizon and the methodology for rural capacity information was identified but no refinements to it were recommended by the committee. Next slide, please.

There were two additional topics where the PAC considered them and there was a split decision, there was not a recommendation from a two-thirds majority. One of these was on population capacity and it's important to note that you are, that counties are required to determine the actual density of housing that has been constructed and determine the land need for housing other uses based on the actual density of development and that's true whether the model is adjusted to reflect the achieved density or not.

So regardless of whether the model itself gets updated,

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

ultimately in your buildable lands report you will be required to address the achieved densities. And so we think the model will provide a more accurate representation of capacity and be more inline with your buildable lands report if you do incorporate that refinement into the model itself, but the PAC was split about whether to make that change to the model.

There was also one other requirement the PAC considered which was adding some of the extra land that's on developed employment sites into the vacant buildable lands model, this is kind of a take it or leave it one, the PAC was split on it and I think it, you know, it could be or the analysis showed that it was a reasonable refinement but it's not essential, there's nothing in the guidelines that points to you having to do that.

So that's the end of our presentation and I'm going to turn it back to Jose.

O'BRIEN: Actually, Jose, I'm going to do something unusual here because we do have a member of the Building Industry Coalition, an engineer, whose child is graduating this evening and he needs to go to this graduation and I want him to be able to give his testimony, and if there are others maybe who

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

are attending this evening that have similar time constraint, I would, I would also invite them to do this, but I know this is unusual but I really think he has important comments to make, and so I am going to ask if Eric Golemo could take a few minutes here before he has to leave for his child's graduation.

Are you there, Eric? He possibly is getting into his car because he told me he may have to testify from his vehicle on the phone. So let's see, I'm going to look at the participants here just to make sure. He needs to be unmuted. Eric needs to be unmuted. I don't know whether or Kathleen.

OTTO: He is a panelist, yes, Eric is a panelist now and he is unmuted.

GOLEMO: Okay. Can you hear me?

O'BRIEN: Yes.

GOLEMO: You can hear me?

OTTO: Yes, we can hear you.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

GOLEMO: Okay. Sorry. Okay. Great. Sorry. I just parked, I'm actually on my way to the fairgrounds right now, so... Thank you for making the exception here, I'm trying to get to the fairgrounds for a graduation ceremony, so appreciate the exception. Quick intro, Eric Golemo with SGA Engineering. The name is E-r-i-c, G-o-l-e-m-o. And first I'd like to thank you for the opportunity to participate.

I do want to make clear we do agree and came to consensus on, on quite a few of the items, probably 80 percent of the items and recommendations. We did however have a different perspective on a few items and those are the ones that I'm going to focus on today.

There's -- there's multiple letters in the record as well, so I'm not, I'm trying not to repeat those items but I do want to expand on them.

So first, I want to go back to why we're here in the first place and the reason we're here is because a bill was passed at RCW that required jurisdictions to revisit their buildable lands due to the apparent lack of developable land and associated affordability.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

So through this process I was very surprised by the outcome at the end that shows we actually have more land and capacity than we thought and therefore will not need as much land to meet future demand. That's the opposite of what's being observed in the field and will make the situation work. So what that's telling me is something's not right. It's kind of like, you know, you expect an outcome and you get the opposite.

So -- so what, what is wrong in the model and how could this be. So as the group, as we ended the committee and we saw what the impact was, we went back and said, you know, what, what was wrong here, why are we getting the opposite outcome than what was expected going in.

Well, I think the workers did a good job of finding additional capacity in the boundary including residential capacity in commercial areas, finding critical areas that may convert with mitigation and counting smaller parcels that could convert. What we failed to do however was find that shadow inventory in the model and there's a figure, I can't see it on my phone because I'm in some kind of audio only mode on my phone, but I don't know if you could put up that capacity, the exhibit that shows additional housing capacity.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

O'BRIEN: It's up, Eric.

GOLEMO: Okay. Great. What it kind of shows is this, this is a chart that shows capacity by year, this was from a presentation that staff put together and we basically just kind of drew on the top of it, but it kind of shows like what the, this really explains what the market factor really is, and then it also explains kind of sort of the problem. You look at the area between like in 2005, 2006, in that time period was the last housing boom --

MESSINGER: One minute.

GOLEMO: -- from being through that I can tell you there was not a single piece of land that was untouched looking for developable property; however, our vacant buildable lands model still showed almost two-thirds of the capacity available.

So why is that, why, why are we showing that land available and it's not really available? So that's one of things that this chart shows. The other one it shows is kind of what the market factor really is and how it's a burn rate. It -- it

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

basically shows what land is available at the end of that cycle and if it actually is still available or did it convert and then why didn't it convert, so that was kind of one of the issues. The other thing too so what were the other issues in the model and what could they be.

So looking at the market factor, kind of going into that now. The market factor that we're using right now appears to be off. We barely discussed it in the committee, it's fairly complicated and I think the general population doesn't understand what it is. So basically to kind of explain it, the market factor is basically a factor correlating to the land added in the UGA that doesn't develop in the 20-year cycle, this can be due to multiple factors including willingness to sell, price expectations and the lack of available infrastructure and funding necessary to serving.

So we also show on this table kind of what the burn rate is and it also shows that the pitch or the slope of that line kind of flattens over time as the urban growth boundary matures and you get that because the easy stuff goes right away and it flattens out.

So assuming that we're going to see this combining the market

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

factor it's very complicated between the supply and the demand side, but really at the end of the day it comes out to the same thing, it means what is still left at the end of the day.

The base supply side correlate to the burn rate which is available at the end of 20 years and then the demand side is kind of a contingency, so looking at these two together what's their recommendation right now is a combined rate of 25 which is basically 10 for vacant land and 15 percent for the, the contingency that's put on.

So you can kind of see where they came up with that at the end of the day 25 percent is left; however, that's really not what we're seeing in the field. When you look at it it's a lot closer to 35 percent left and that's even probably optimistic, I think you end up with a lot more left than that.

So one of the things we recommended was to increase it by 10 percent to correlate with what we're seeing in the field and this isn't really, and this is supported by data and historical trends.

So I do want to note on your spreadsheet that you had, it says, I think it's off, it says, I'm not sure where those

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

numbers came from, but what the recommendation was was basically to increase the market factor on the supply side to 20 percent for vacant and 40 percent for unutilized, so that may need to be corrected on the, that Exhibit 1 in your packet. Again, this isn't just kind of pulled out of thin air, it correlates to historical data and historical trends.

The next item we think that, that was kind of missing from the, the model or not represented accurately is the infrastructure deductions and there's a few pieces to this. One is the, the base infrastructure for basically stormwater, roads and those pieces, and then there's this off-site infrastructure and then there's things that are affected by certain jurisdictions codes.

So the first one is storm and roads and what we're showing, I don't disagree with a lot of the information shown by staff, it shows what history was; however, as the urban growth boundary expands further north, we get soils that take a lot more land to deal with stormwater. So just because we saw something in the past, it's not representable you might see in the future.

It also we've had difference in regulations where we can put

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

stormwater facilities. Again, as you expand areas like Battle Ground and Ridgefield and Camas, those are where we see growths, growth happening and, and the North Orchards areas, those areas have high-ground water tables, they have clay type soils, the ponds and infrastructure necessary to serve those areas with stormwater are significantly higher than what you see in the City of Vancouver where we saw growth previously where the soils are gravelly and you put in infiltration trenches and it doesn't take away from a lot of your developable property. The other piece is -- and -- and we made some recommendations to you to slightly higher infrastructure deduction there.

The other thing that's not accounted for is open space requirements by code. For example, the City of Ridgefield requires 25 percent open space and 12.5 percent is needs to be usable, nowhere in the model is that accounted for. Again, we recommended accounting for that in the model.

The other piece that is not accounted for is land use for schools and parks. Right now we're dealing with it after it happened, we're not planning for it, we're not considering it ahead of time, so we're not planning ahead and instead we're reacting and only counting after it develops and this land is

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

critical and it can be significant and we should plan ahead instead of reacting.

And the last item that I wanted to discuss tonight was a big piece which I'm kind of mixed on because we are seeing a trend and it is something that is part of the solution and that's the counting of residential in commercial areas and the committee recommendation assumes a lot of the residential capacity in our future growth will be in commercial and mixed use areas.

I agree it's happening but it's also maybe more of a policy decision and it comes with unintended consequences, it is part of the solution but not the entire solution.

The other thing to consider is what we have seen in the past may be a little of a self-born prophecy, it's due to the lack of available land and because of that the only way to basically house our population has been to buildup in those commercial areas.

Another thing that could be skewing the numbers is the Waterfront, there's a special project in that situation, there was that project had a lot of subsidies, a lot of government,

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

a lot of government infrastructure was put in to serve it and investment.

The other adverse impact or possible unintended consequence is diversity of housing types. So if we count on this it fills part of the need, but some of the housing is also not affordable and when you have that where that's taking away from other opportunities and it promotes a rental culture, so most of those properties or housing over commercial areas are mixed use end up being apartments and we do need that, but we also want to make sure that we provide that diversity in housing type, we want to make sure that our community --

O'BRIEN: Eric --

GOLEMO: Yes. Yep.

O'BRIEN: -- try to wrap it, please. Thank you.

GOLEMO: I will, yep. Yep, almost done.

O'BRIEN: That's okay.

GOLEMO: So we need to promote homeownership. We need to

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

provide opportunities for equity for our community and generation of wealth. So it is, you know, everyone's idea of the American dream is a little different and we want to make sure we provide those opportunities.

So, again, I'm just going to wrap it up. I know there's some other people that have testified very similar, but as you vote tonight ask yourself and does this, does the decision you're making tonight help solve the problem or at least help or, and, and this is also just a first step, this is the, this is the foundation that the comprehensive plan is built upon. So getting this right is very critical, and then after this it goes to the comp plan.

So thank you for the time and thanks for the letting me testify early. I know we put a lot of work into it and I have to leave you but thank you very much.

O'BRIEN: Thank you so much, Eric. We appreciate the work you have put into it. Okay. I will ask if there's anybody who has a similar time constraint that would like to testify so that we're playing even here? So, okay, I don't see anybody. Am I correct in that, staff?

Rebecca or --

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

OTTO: We see one, we do we see one hand raised but it has been raised throughout the presentation so we can unmute them just to see if they have a time constraint.

O'BRIEN: All right. It's Jackie Lane.

LANE: Yes. No, I don't have a time constraint.

O'BRIEN: All right. Thank you. Okay. We will move on now, we'll go back now to I believe it was Jose who was going to present next; is that correct?

ALVAREZ: Yes. A question for Council. You've heard the presentation from ECONorthwest, do you want to, do you have any questions at this point or should we move on to Bob Pool's presentation?

O'BRIEN: Does Council have questions about the ECONorthwest presentation? I don't hear any. I'm sorry, is that Councilor Bowerman?

BOWERMAN: Yeah, no questions.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

O'BRIEN: Actually your connection is really poor and you cut out quite a few times so hopefully --

BOWERMAN: Okay. Sorry.

O'BRIEN: Okay. Let's go ahead, Jose.

ALVAREZ: Okay. So I think Bob Pool's going to provide presentation on this five model version runs. Go ahead, Bob.

POOL: Good evening, Council. This is Bob Pool. I'm the GIS Manager for Clark County, I've also been given the opportunity to work on the vacant lands model over the last nearly 30 years, so it's been quite an opportunity here to go through and clean it up and make it better.

With that kind of go through the five different vacant lands model that I've run for the presentation that Becky gave and some of we've run since to look at different alternatives. Next slide, please.

So these five different model runs are really focused on just the residential component of the model, we have not looked at the employment part in this kind of detail. Next slide.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

So the first version that we'll talk about is called the 2020 Baseline and that is the existing 2016 version of the model that we currently use. The Version 2 is the version that Becky described, that is the PAC project teams recommendation, and in the places where there was not consensus we can show you that what we have selected which was the PAC teams best recommendation and this talks about using the residential infrastructure of 31.5, we do include the City Center jobs and mixed use as well as the Vancouver commercial mixed use recommendation.

The Version 3 is the Building Industry Coalition which I call the BIA/Developer's recommendation at this point. And Version 3 is they'd like to see the residential infrastructure at 54.7 percent and that includes the 34 percent at the on-site infrastructure and then 20 percent, 20.7 percent off-site and that is for schools and parks.

And they also ask that the Ridgefield be given an additional 12.5 percent deduction on low density residential lands to accommodate Ridgefield's requirement for open space. The BIA Coalition also suggested that the mixed use development in City Center and Vancouver was more of a one time thing is not

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

sustainable.

Version 4 is recommend the same as Version 3 except that the off-site infrastructure deduction is removed, so that would be the 20.7 is not included in Version 4.

And then Version 5 which is the 2020 BIA Version 3 which is their recommended third version, this is the same as Version 3, the basic BIA version except 10 percent was added to the residential market factor which made the vacant market factors 20 percent for vacant and 40 percent for underutilized.

So that's a lot to go over and remember but we will now be going through the results of each of these model runs and for each result I'll show the number of acres and also the number of households that were generated from these model runs. Next slide, please.

So this is the main summary and this is the total number of buildable acres by model name. So you can at the top is the baseline with 6600 acres and then the PAC Project Team came up with 7205 acres of buildable land.

The first BIA model was just about 5,000 acres. Version 2

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

went up to 6800 acres. And then Version 3 went back down to 4500 acres, so that's the most, the lowest number. If we go look at the next slide, please.

This shows the same results but has the housing capacity. So that looks at the density for each of the different land use types and multiplies it to get the housing. You can see our existing model shows there's room for 44, 45,000 more homes.

When you look at the PAC Project Team says, well, there's more like 55,000 homes capacity inside the current UGA. The BIA's first model request was for 36,596 homes. The Number 2 on was with 49,300, and finally the final model BIA Version 3 was 33,000 homes, so that's with our houses.

The next slide shows the these numbers by the cities in the urban growth boundaries. One thing to remember is that inside the UGA other than Vancouver that lands in urban holding that is not developable yet, so this is a good place to see that some places like Battle Ground for example have 311 acres of land that cannot be developed now until that gets annexed into the City.

You can also see that the Vancouver UGA is far and away the

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

largest urban growth boundary and has the bulk of the capacity, it has about 2500 acres and you can see how these numbers vary over the different models.

The next slide shows the same information but shows the housing capacity. Not much difference here except that you can get to the housing numbers. You can see that again the Vancouver UGA where it's 1900 to 22,000 in the PAC projected model and there's 20,000 in the Vancouver UGA in the baseline.

Version 3, the first BIA model, they expected 10,000 in the Vancouver UGA. Their Version 2 is at 21,500 and the final BIA model has only 14,000 houses inside the Vancouver UGA, there's quite a range. Next slide, please.

The next way we're going to look at this is by land use which is earlier some of the interesting changes we got through the process. Here you can see it's kind of interesting the majority of the land is residential low density vacant which is single-family residential and you can see that the members in the baseline and the PAC Project Team we actually go down a number of acres that we have and the reason being is that a big part of the vacant this process is we put a finer point on what we're doing in the model and one of the best examples of

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

that is what we call a vacant platted lots.

It used to be that vacant platted lots would just look either vacant or they'd be excluded if they were less than 5,000-square feet so you'd plat it and then we'd say it's excluded. In this one, in this model we said, no, if it's a vacant platted lot, it's out, so we start to show that and this one you can see that it's the acreage doesn't change, you can just see that finer point in how we did this new model and you can see the numbers.

Moving on to the next slide. So the same information again by the number of households. And, again, you can see on the existing model we have 35,000 in our low density residential and when we get to the PAC project we actually say there's less in low density residential because we've adjusted things and kind of put a finer point on it and spread them out better so, those are the housing unit numbers. Next slide, please.

The next thing we were asked to do was look at Ridgefield and the goal then was to subtract an extra 12 and a half percent from the one classification, the residential low density land uses, and you can see in the three BIA versions of the model that there's 12 and a half percent less housing acres and you

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

can see the numbers. Next slide, please.

Go after the same thing. This one shows the houses that the current PAC team says there's going to be 6100 homes built in Ridgefield and the various PAC or BIA versions range from 4300 to 6,000 all the way up, excuse me, to 4,000 to 5500 and then the final one is only 3600 homes expected to happen in Ridgefield with all the off-site infrastructure included. Next slide, please.

And then we can look at that again by the land use. And, again, this just shows the spread of the houses in Ridgefield over the different land uses and that the bulk of this changes as you can see are in the residential low density where we subtracted 12 and a half percent. Next slide, please.

This shows the same information by housing which we've talked about again, so this just kind of breaks it out by land use and what's going on. That's basically the five models that I was asked to run and their results.

Is there any questions or comments?

O'BRIEN: Okay. Are there questions? Yeah. Are there any

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

questions before Bob moves on? I don't hear any. Thank you, Bob, thanks for all your work.

POOL: Thank you. You're welcome.

O'BRIEN: Jose.

ALVAREZ: And that pretty much concludes our presentation. If you have any questions or if you want to move to public comment.

O'BRIEN: Are there any questions from Council before we move to public comment?

MEDVIGY: I just wanted to make a comment for any of the public that may be listening for the first time. Most of these presentations we have had in the past and gone over questions with staff throughout the prior presentations and then in the time subsequent to that, so it's not that we're just sitting here fading out. Although I was going to ask, is it possible to have a two-minute break before we get to the public comment?

O'BRIEN: I think we could do that, two minutes. Can you take

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

care of it in two minutes? We will do that. We will have a very short break, a two-minute break, so we'll be back here around 7:49 or 50. Okay.

(Pause in proceedings.)

O'BRIEN: Okay. It is now 7:50. I think -- I think everybody's back, is that correct, is Council Lentz? Yes, she's here. Okay. Let's get started again.

We'll go for public hearing. We're going to go for public comment to the hearing and if you have a comment you would like to share, please use your raised hand icon on your computer. If you are calling in, please press star 3 to raise your hand. Once you're called upon you'll have three minutes to speak. And please introduce yourself for the record and spell your name because we have a transcriber for this particular hearing if you would. Thank you. I'm going to let staff go ahead and call on the individuals to speak if you would.

OTTO: Thank you. Ron Barca, you're unmuted now, so if you could please state your name and we'll start the three minutes.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

BARCA: Thank you. My name is Ron Barca, B-a-r-c-a. I am a member of the PAC for vacant buildable lands and I'm also a member of the housing options group that has been put together and I would like to take a moment and really talk about the goals for each of those groups and how they are actually quite distinct from each other.

I know that there's a component that has been blended together, I watched both the May 19th Council and the June 9th Council and in it it was pretty obvious that there is an emotional component of trying to deal with the shortage of affordable housing that the county has which we understand and it's basically something that the entire West Coast is dealing with.

Jamie Howsley put it quite well when he talked about the idea that we are in a large market area that includes the tri-county area, the Portland metro area, and for the sake of trying to put enough available land into the marketplace, we would be overwhelmed with buyers long before we were able to get any kind of affordability out of an increased land supply. Okay.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

That being said, that is not a vacant buildable lands analysis. The vacant buildable lands analysis is supposed to be a review of the data of what we've had over the last five years at least according to the Department of Commerce GMA user guidebook and it talks about the idea of using the data being able to show your work --

MESSINGER: One minute.

BARCA: -- on how you were reasonably able to accommodate to the density requirements and targets that you set for yourself.

We have a 20-year goal that we're looking at on this horizon. The vacant buildable lands analysis is not meant to be something that we change with the needs in the marketplace. It's supposed to be showing what has already taken place and whether or not it's meeting the intentions of what we're trying to accommodate.

So when I see that we're trying to add additional inventory through a variety of methods, both in the form of deductions and larger market factors, I think we're going to have a very difficult time being able to justify this in a defensible

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

fashion.

And since I've been part of every single growth board hearing outcome and been involved with every one of the comp plan updates that's happened since 1996, I'm aware of the desire to have large inventories of land.

But also pointed out by the building industry, Eric Golemo specifically when he talks to you about shadow inventory, you have to be aware that the individual municipalities and the idea of the county itself with urban holding, you are holding a significant amount of shadow inventory yourself right now.

The reason it's not on the market is you can't afford the capital facilities funding to make it happen. The cities, other than Vancouver, are also in the same consideration of choosing --

O'BRIEN: Three minutes.

BARCA: All right. Three minutes. -- they are choosing not to annex it in. So the shadow is the reality of you are not able to fund the vast amount of land that you really are interested in bringing in.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

If you go back to the users guide, they give you reasonable numbers that are defensible and I think we need to be concerned about whether we're able to make them or not.

So in the context of when we talk about 20.7 percent additional inventory for schools and parks, I want you to picture the idea that for every 100 acres of land you are willing to fund today, 13 acres of park land on it, and that is reality of what we're looking at, 54 acres out of 100 would be tied up in deductions and market factor.

O'BRIEN: Two minutes over.

BARCA: Thank you. So this isn't the American dream, this is the reality of what has already taken place and I believe that the City of Vancouver has one example but I believe that there's many examples that the county can bring forward through Bob Pool's data to show exactly what we've already performed to and whether we're meeting our targets or not. Thank you very much for your time.

O'BRIEN: Thank you.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

MESSINGER: Jackie Lane.

LANE: Okay. Thank you very much. And my name is Jackie Lane, and the last name is L-a-n-e.

The County Council is holding a public hearing regarding buildable lands. It is on record for everyone requested from the Building Industry Association voted to go with it based on a letter from BIA before that version of the building, buildable lands model was even completed.

Most of the signatories to the BIA letter on the buildable lands are not Clark County residents. They should not get more input and credence than those families who will be living with the impact of this model on growth planning for generations.

These BIA models are designed to grow the urban growth boundaries well beyond what is necessary to support foreseeable growth and to favor developers over residents.

The models developed by the Building Lands Project Advisory Committee with support from County staff and the highly qualified consulting firm already understated the amount of

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

residential housing that will happen in downtown Vancouver against the information provided by the City.

The BIA models weirdly show no residential development in downtown Vancouver against the evidence of our eyes of housing going up like crazy at and near the waterfront and in uptown.

I ask that the County Council honor the public participation process, listen to your constituents and rethink your position on the buildable lands model. I ask that you honor the hard work of the Buildable Lands Project Advisory Committee and your own staff in creating a valid model.

And I would remind you that the building industry was hardly underrepresented on that team. If you can't do that, I ask you publicly admit that you never intended to have a public process and that you always plan to hear the BIA over the people who live here and that this meeting was always just for show and because it is required. One Council even voted against having this public hearing because the decision was already made. Your choice. Thank you.

MESSINGER: Jim Malinowski.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

MALINOWSKI: Thank you. Can you hear me?

MESSINGER: Yes.

MALINOWSKI: Well, thank you. The Council has a tough job, I don't envy you dealing with the complex issues you deal with. I was a member of the Advisory Committee, I represented Clark County Citizens United. My name is Malinowski, M-a-l-i-n-o-w-s-k-i.

I was surprised at a early meeting of the Council when Ron Barca, who I don't agree with on many issues, pointed out that the analysis seemed to be focused on the City of Vancouver with lip service given to the other cities and I, I questioned that early on in the study, I said that, that I believe the county, the study should be countywide as it's been done in the other counties and there should be consideration given to development in the rural centers and the rural areas. I was told the issue would be addressed later in the process and then at the end they said, no, we don't have time to do that.

I agree with the City of Vancouver in its last letter that said the instructions basically what I see the letter saying is that the staff be instructed to go back and do the, do the

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

study right, and to me being doing it right means you do a countywide analysis.

The question I have for, for the Council is, did, did the Council authorize the staff to take this limited approach or was this a staff decision and I think you need to remember that you're the, you're the ones that set policy, not the staff. Thank you.

MESSINGER: Justin Wood.

WOOD: Good evening, Councilors. I'm here tonight, my name is Justin Wood, W-o-o-d, I'm here tonight on behalf of the Building Industry Association of Clark County to address some of the concerns raised and give justifications for our recent vacant buildable lands model recommendations.

First off, the market factor we have shows is a total 35 percent per vacant land, this includes an additional 10 percent to the Buildable Lands Project Advisory Committees initial recommendation. This figure also includes 15 percent on the demand side. And what was incorrectly quoted earlier on the ECONorthwest presentation that we were advocating for a 25 percent market factor on the demand side, we are advocating

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

for a 15 percent market factor on the demand side currently.

This market factor of 15 percent on the demand side is what has been constant for past VBLM options, so in all reality we are asking for a 10 percent increase on the supply side only.

I will reference the industry market factor model included in the materials and cited by Eric Golemo earlier tonight. Justification for the increase is to alleviate the burn rate of housing capacity in Clark County. The industry market factor model exhibits includes a graph from the County itself looking at housing capacity from 1996 to 2016, a 20-year cycle.

Accusations that we are not providing adequate data is simply not true, we are using the County's own data that has been provided as well as ground-truthing from the industry itself. Building capacity increases much more quickly with a 25 percent turbo factor, market factor compared to 35 percent total market factor for vacant. This is justified because we are using as again the County's own data; furthermore, it is critical that we include park and infrastructure deductions as well.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

Parks Department and school districts --

MESSINGER: One minute.

WOOD: -- are constantly looking for land given the timeline constraints of six years for impact fee use. Schools districts can buy land zoned for a variety of purposes.

Mr. Pool actually made this example very clear at June 9th Council Time citing an example where a school district bought a section of industrially zoned land and then decided to sell it later. Schools that need to buy large parcels in prime location, they may sell these later on, it is so important that we are accounting for these deductions. The 7.9 percent deduction for schools and the 12.8 percent deduction for parks is further vetted by each capital facilities plan.

Mr. Olson, an engineer with our group, reached out to Mr. Horenstein, the facility manager for the Vancouver Public School District, and agreed with Mr. Olson that the 7.9 percent deduction was accurate. These deductions have not been counted for in previous cycles and we believe each inclusion is the only responsible and accurate way forward.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

If we don't plan for infrastructure, we can't plan for communities. A model should be determined based on the accuracy of input and not the outcome of the model. I worry that looking at the data and looking at the outcome is not the accurate and appropriate way to go about this. We believe our recommendations provide the most accurate input given the data we have presented and from our (inaudible) --

O'BRIEN: Three minutes.

WOOD: -- own experience our industry brings to the table. I would also like to remind the Council tonight that the Growth Management Act is not only about managing growth but planning for growth and providing a diversity of housing options. Homeownership is the best way to build generational wealth across all demographics. Current commercial conversion rate assumptions by the City of Vancouver would lead to a lot of market rate rentals. I will leave that policy decision up to Council but this, this, these assumptions may severely limit opportunities for townhomes, row houses and traditional single-family homes.

The other models listed don't capture what our industry is seeing on the ground, lack of supply and land too expensive,

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

if not, unfeasible to develop. The vacant buildable lands model (inaudible) --

O'BRIEN: Wrap it up, Justin.

WOOD: -- is exactly that, a model not in inventory. Based on that we believe we have justified our recommendations to the best of our ability given the predictive nature of the model.

I hope Council will take our recommendations into consideration so that Clark County can proactively plan for a vibrant community that includes a diversity of people, housing and opportunity.

O'BRIEN: Thank you.

MESSINGER: Susan Rasmussen.

MEDVIGY: Madam Chair needs a gavel.

O'BRIEN: I do. This is hard to do from here. Sorry. I think just about everybody has gone over so I'm trying to, I'm trying to keep a three-minute limit, please try. Thank you.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

MESSINGER: Susan Rasmussen.

RASMUSSEN: Hello. Susan Rasmussen, R-a-s-m-u-s-s-e-n. And I have a question I believe for either Becky Hewitt or Bob Pool stemming from the Thorpe Report 2016 and it has to do with the many hundreds of large remainder parcels out in the rural and resource areas and there was a statement made at a work session probably around 2016 that the, that the remainder parcels are counted twice, once at rural and again at urban densities because they eventually go into a city limit.

Is that methodology still being done today and could that be why on paper it looks like the county has many buildable parcels out there?

POOL: This is Bob Pool. The -- this really the model we looked at did not look at the rural area, the rural capacity, we did rerun the rural capacity model, but we did not include that in the result because we're more focused on what's inside the urban growth boundary.

It is true that the remainder lots when they come inside the urban growth boundary they are developable again, but when they're outside the urban growth boundary they are not

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

redevelopable.

RASMUSSEN: So are they being counted, I'm sorry, Bob, are they being counted in the, in the urban count as buildable?

POOL: If they're inside the UGA, yes; if they're outside the UGA, no.

O'BRIEN: Okay. Go ahead, Susan.

RASMUSSEN: Well, according to the Thorpe Report says that the parcels cannot reasonably be expected to develop, should not be counted as likely to develop because some of those remainder parcels out in the rural resource --

OTTO: One minute remaining.

RASMUSSEN: -- out in the rural resource areas they're decades away from being absorbed into a city limit or UGA, so I believe they should be eliminated out of the urban count, they should not be counted twice.

Becky, did you have a hand in seeing what those remainder parcels are doing, how they're being treated?

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

O'BRIEN: We'll, Susan, we'll get back to Becky at the conclusion of this public --

RASMUSSEN: Okay.

O'BRIEN: I'll make a note of that. Thank you.

RASMUSSEN: Thank you, Chair, Chairwoman.

MESSINGER: David McDonald. Hello? David, are you there?

O'BRIEN: Does he need to be unmuted or something?

OTTO: We had him unmuted. We'll -- we'll go on to another community member and then try him again.

MESSINGER: Jim Danzenbaker.

DANZENBAKER: Yes.

MESSINGER: I'm sorry.

DANZENBAKER: I entered a, I entered a question into the Q&A

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

and the question was directed to -- oh, I'm sorry, Jim Danzenbaker, D-a-n-z-e-n-b as in boy a-k-e-r. And I entered a question into the Q&A and the question is directed to Bob Pool, you mentioned 300 acres, 311 acres eventually being annexed into Battle Ground in your analysis which admittedly I didn't, I completely didn't understand because I couldn't read every single graph that you had on, on the computer so, but watching all the numbers and whatnot didn't help me understand anything.

Are these 311 acres going to immediately be considered land for development and what type of development?

POOL: So land in the urban growth boundary is, it's outside the city limits is in a holding until it gets annexed. So there's a, when we look at the chart there we saw with the capacity we do estimate the capacity in the urban growth boundary outside the city limits but it can't develop until it gets annexed, so that's the conundrum there, we say it's buildable but it really isn't until it gets annexed.

DANZENBAKER: Okay. So --

O'BRIEN: Okay. Actually, may I just, Jim, I want to, this

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

is, this is Chair O'Brien, I would like to just make a statement here. Normally we have testimony, we don't have questions back and forth, and I understand that probably it's a little bit of not understanding some of these graphs, et cetera, but this is time for public testimony and we really don't have back and forth with questions.

So if you would just, that may be something you could put in an e-mail to Bob Pool or, or whomever the question you are directing or in the chat box and perhaps we can have staff look at the chat box and when we conclude with public comment allow them, allow for these questions to be answered. So go ahead, Jim.

DANZENBAKER: Well, I'm, I'm just going to request to get Bob Pool's e-mail address so that I can do exactly what you just mentioned.

OTTO: We will put it in the chat to you.

O'BRIEN: Does that conclude your testimony?

DANZENBAKER: Sorry. Go ahead.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

O'BRIEN: I said does that conclude your testimony then?

DANZENBAKER: I -- I -- I -- I believe so, yes.

O'BRIEN: Okay. Thank you. Thank you for your patience.
Next person, please.

MESSINGER: Sue Marshall. Sue. Sorry.

MARSHALL: I believe I'm unmuted.

MESSINGER: You are.

MARSHALL: My name is Sue Marshall. I'm here on behalf of Friends of Clark County. I'd like to just take a moment to thank you for allowing us to have a representative on the Buildable Lands Project Advisory Committee in the form of Mr. David McDonald. Throughout the process he kept our board updated and was struck by the professionalism of both the consultants and the staff and how they really bent over backwards to be neutral arbiters of and ground-truthing this data so that it was everything that was entered into the model was compliant with administrative rules and statutes and guidelines so that it could be defensible, legally defensible

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

in court.

And just for the record, we join in supporting the comments submitted by Mr. David McDonald, the City of Vancouver and Futurewise. The model is a very important defense of Clark County as it is a foundational element that initiates the comprehensive plan update.

Evaluating the amount of land available for development is the intended to demonstrate how past assumptions performed and to make corrections in the model based on that data. It's required to be data driven to show your work and we are concerned that the recommendations in the ordinance do not correct for a current countywide undercount of building capacity. It's important to right size the growth areas.

We are concerned that the model options presented do not correct for this current undercount of building capacity and would lead to a unnecessary and ultimately costly expansion of growth boundaries countywide also known as sprawl. And as a local farmer I can tell you I'm well aware of the loss of local farm land in Clark County even in recent years --

MESSINGER: One minute remaining.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

MARSHALL: I'm sorry, I didn't hear that. -- and its development on prime agricultural lands that ultimately could threaten the long-term economic viability of land.

So in trying to keep to the time limit, I'm going to skip over some of the numbers and talk about some concerns related to public participation. As we understand the process, everything that the development community has raised during the post-advisory committee process has been done off the county website dedicated to the Buildable Lands Advisory Committee work and Mr. McDonald had to obtain most of the communications between the development community and the Council through public records request.

These behind the scenes communication and e-mail exchanges especially between staff and development community are disturbing and are in direct contravention to the public partition resolution passed by the Council in July 2019.

It also seems very unfair to have staff be directed to have offline conversations with the development community without stopping all of the advisory council members and the consultants, they have to have the whole public process

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

transparent. As a community organization we are not even sure that all the communications between staff and development community have occurred at the direction of the Council have been made public. Such actions being on their face to violate GMA public participation as well as put a dark veil over what had previously been a very transparent process.

Finally, as to the public process, the resolution for tonight's hearing was written to reflect a 3/2 vote taken in the nonpublic hearing that occurred without public notice as required by law that clearly states that --

O'BRIEN: One minute over.

MARSHALL: -- as determined to adopt a development community's request in total, again we believe a violation of the GMA.

And just to summarize, we encourage you to adopt vacant buildable land model that is supported by the data reflects actual achieve density rates and in doing so will better protect the rural community, natural resources, working lands, water quality and wildlife and it should not be allowed for one sector to highjack the process. Thank you.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

MESSINGER: David McDonald.

OTTO: David McDonald, can you hear us, this is the County?

O'BRIEN: What is in the background? Can we, whoever is doing that, would you please mute.

OTTO: It's actually David McDonald is unmuted right now so it sounds like he's listening to the hearing. We've muted him. I would offer an opportunity for anybody else who wants to provide testimony to raise your hand or hit star 3. One more.

MESSINGER: Jamie Howsley.

HOWSLEY: Yes. Good evening, Councilors. For the record, Jamie Howsley, 1499 S.E. Tech Center, Suite 380, Vancouver, 98683. I was a member of the PAC as representative of the Development Engineering Advisory Board and prior to the VBLM process and really now for more than two decades I've been beating the drum that a lot of the behind the scenes assumptions that go into creating the vacant buildable lands model don't actually reflect what I see on the ground doing development entitlement.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

As Mr. Parker with ECONorthwest stated at the beginning in his presentation, these, these assumptions that are the underpinnings of, of the growth plan. And I can remember way back in, in 2001, 2004 time period, Jerry Olson, myself and some others challenged the assumptions from the prior plans that were being used and our assumptions didn't come out as an error, they came out of empirical data as a result of of our experiences in permitting projects in Clark County.

And I can tell you that Eric Golemo and I picked up this charge during the last comprehensive plan update, and to borrow from Greek mythology a little bit, we felt like Thundra in the wilderness, you know, a crime that we were going to head towards a housing crisis and nobody was really listening and primarily this was because the prior VBLM was predicated on bad, bad faulty assumptions that weren't playing out on, on the ground and we had a growth rate that reflected a period of time from 2008 to 2012.

So -- so why is this important? I think the Columbian this evening just released the new data, and you can go check it out when we get done here, but there's .2 months of inventory for houses between 350 and 500,000; there's .3 months of inventory for houses between a half a million and 150,000; and

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

the median house price increased \$20,000 from April to May from 445,000 to 465,000, this is not sustainable.

MESSINGER: One minute remaining.

HOWSLEY: Quite frankly, the, the guidance, yeah, the guidance that we, we heard referred back for the underpinning of this was developed in December, well, finalized in December 1st of 2018 and that work took place a couple of years prior, and again, it doesn't account for a lot of the new regulations and other stuff that Mr. Golemo alluded to.

Just -- just specifically I want to touch on one thing and I'll, I'll see the rest of my time will probably be done there, but infrastructure for instance, the City of Ridgefield is not a Phase II community for stormwater purposes, it will be soon and when it does, the stormwater pond sizes in those developments will increase and therefore we do godly believe that the 34 percent rate is more accurate of what is likely to what is occurring now and will be occurring in the future when other projects come online and that's, that's just how the regulations work.

I would just also advise the, the County Council to very

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

closely look at House Bill 20, 20 or 1220 which will be effective law on July 25th of this year which is the first major change to GMA in terms of housing that we've seen and I fully suspect that there will be additional legislation coming up here in the interim that will directly speak to housing and may compel us to do more on this arena.

I think that the proposal by the BIA is well founded and the objective is is to try to attack the problem that housing availability and housing affordability for our whole community. And with that, I will yield the rest of my time. Thank you.

O'BRIEN: Thank you.

MESSINGER: Bryan Snodgrass.

SNODGRASS: Hello. Can you hear me?

MESSINGER: Yes, we can.

SNODGRASS: Thank you. I'll, I will try to stay within three minutes but also due to our madam the court reporter can hear, I may need a couple of extra minutes.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

First let me thank the Council and County staff and the project team. For the record, it's Bryan Snodgrass representing the City of Vancouver, I served on the BLPAC Committee but also on the State committee which developed the guidance back in 2018 that was mentioned.

Capacity models such as this are intended to be not just data driven but also policy neutral and reasonably accurate. And so adding extra land or padding the model for whatever reasons with extra land runs the risk of creating more growth and capital facilities plans are designed and funded for.

It should also be noted that the Growth Management Act requires that the 20-year land supply set up with each comprehensive plan must then be restocked at a minimum every eight years well before the 20-year period so that land supplies will not run out. And as a practical matter a tight UGA boundary can always be expanded in the future and has been in the past in Clark County, but an oversized boundary once adopted and mapped is difficult to impossible in practice to reduce.

Vancouver's main concern, which we shared at the outset of

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

this process with our Council and most recently in discussions last week, is the deep undercounting of the overall residential land capacity model and we believe it's critical to look at the overall model because that is how it's applied in practice, and without doing so, one doesn't know if the individual assumptions interact with each other the way we think they do, if the assumption list is complete and so forth.

Looking at the overall output of the model in the past also allows it to compare against actual growth and in doing so as our letter indicates there's a pretty profound disconnect between what the model has reported in the urban county countywide and what has actually happened.

There appears to be for instance in the last decade a gap of at least 19,000 persons in urban areas that not accounted for in the model and this appears to be getting worse in the more recent years. Zone changes adding to the overall residential land supplies --

OTTO: One minute remaining.

SNODGRASS: -- have simply been too few of explaining it and

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

more than a fraction of this. Annexations would not play a factor in a, in this kind of data unless they involve changes from residential to non, from nonresidential to residential land.

Some of the information presented earlier tonight on the relative capacities of the different models showed that two of the proposals would make this undercount problem worse and the other two would move in the right direction but would not come close to eliminating the gap. This issue was raised but not discussed at the committee level.

Our recommendation would be against adopting a new model without some kind of a pretty clear demonstration that the new model would fix this problem or come close to it. If you do adopt at this time, we have some recommendations which I'll briefly summarize for, for some of the individual assumptions which are likely causing this countywide residential undercount.

The best option in terms of the overall model is the project team committee recommendation. Some -- some additional comments. Achieve densities. Those should be calculated in a manner which doesn't create a double deduction of critical

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

land which we believe all of the models do.

In terms of additional of development, redevelopment, potential redevelopment in the City of Vancouver or development on commercial lands in Vancouver, those in argue should be based on data from the City of Vancouver just as we would expect any other jurisdiction with an assumption unique to them to, to be able to do.

Recent arguments that, that not to count any of the residential development on, current on commercial land in Vancouver or assume that there's, there will be less of it in the future is just simply not consistent with the data trying to exceed in our city and our letter documents some of these. We've seen growth not just, not just downtown but throughout the city on commercial lands and much of it, much of the applicant pool of, we've got 5900 units in the pipeline was submitted after the pandemic.

The market factor assumption should be based on data and at least for in terms of what we heard from the project team, the committee through this process, the means keeping the 10 percent and 30 percent only. We don't support adding the further factor be it 15 percent or 25 percent, there, there

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

was some data provided for that but we don't think you can draw conclusions claimed for that.

Looking at the land consumption rate at a time during historic land recession and when it was a good deal of land for benefiting from developing when it was urban holding land is not an argue and appropriate way to base future market factor on.

Secondly, there's case law that are cited in our letter that having two separate and distinct market factors in a model would violate the Growth Management Act.

Wrapping up, we would say that critical lands adjustments should be based on data for all types of development.

The -- the recommendation to the models before you as we understand them just looked at single-family plats with no, no accounting for how critical lands occur up to apartment development or multi-family development, townhomes, duplexes and so forth.

And lastly on infrastructure deductions, we would recommend those be as originally represented, recommended by the project team and presented to the committee. And with that I'll

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

conclude and if there's any questions I'm happy to answer those.

O'BRIEN: Thank you.

OTTO: I'd like to ask one more time if there's any community members that would like to provide public testimony to either raise your hand in the bottom right corner of your, on the computer or star 3 on your phone.

MESSINGER: And caller, please go ahead.

MCDONALD: This is David McDonald, can you hear me?

MESSINGER: Yes, we can.

MCDONALD: My apologies, I thought that I was on the speaker but I wasn't. So my name is David McDonald from Ridgefield, I'm a member of the BLPAC Committee. And at the beginning I want to thank Dr. Orjiako, Mr. Alvarez, Mr. Pool and Ms. Hewitt who were basically the steady hands on this BLPAC letter, they made themselves available at all times to answer questions, that assumptions, that data, helped guide us through the process in an even handed and non-biased manner

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

which is what we would expect.

The bill that was passed was not geared towards showing a lack of inventory and capacity but rather it was to get to ground-truth and get to what the actual data on the ground is and that is exactly what the BLPAC did.

Mr. Golemo just didn't want to believe it and the building industry just doesn't want to believe it, but the truth is we've gone through all of the data multiple times in the BLPAC process and consistently and constantly what he mentioned tonight we vetted over and over again and found come up short and (inaudible).

Although he makes the allegations that he sees things different in the model, when asked to provide proof of that at this BLPAC process and when asked to provide it in the last three months, the BIA has failed to bring that process forward, there has been no data to support the allegations. In the April 14th Council Time, Dr. Orjiako was specifically asked if there were any support for the six assumptions in the letter that this Council later adopted to implement into the model and he said no and he went through with you point by point why it was no.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

Mr. Pool when asked over and over again what does the model show, he has told us consistently that the model has underestimated capacity throughout the process and the update showing the model with additional capacity was an improvement because there was actually more --

OTTO: One minute remaining.

MCDONALD: -- than the prior -- there is no baseline market factor as Mr. Golemo alleged in his slide. Mr. Pool also told the Council that in the June 9th work session it doesn't exist.

Finally, there's no shadow inventory. The vacant land that's out there all is in urban holding, we've already put that into our developed model, development model, all we have to do is pay for it. So I'm not sure how you're going to expand the boundary and get additional capacity that the building and development industry wants because you're not going to be able to pay for it, you can't pay for what you have now.

I do want to say that the schools and parks issue is complicated and it's not a negligible difference. If you

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

compare Version 3 to BIA's Version 1 with Version 4 to BIA's Version 2 you'll see that the total difference in acreage is 1875 buildable acres and over 6, or excuse me, over 13,000 housing units, so by adding just that factor --

O'BRIEN: Three minutes.

MCDONALD: Thank you. I'll take the ten that Mr. Golemo had, but I'll at least try to finish up a little faster. -- when you take that difference, what you have said is you are wiping out 1900 acres and 13,000 units from an already accurate model which artificially underestimates your capacity which creates a multitude of problems which is why the Department of Commerce's buildable lands manual says put the known stuff in on the supply side and do the demand later after the CFPs have been done. In this case we have nothing in the record from any school district or park district that says what they think they will need in the next planning period, nothing, so that 20 percent is pure and total speculation. Thank you.

O'BRIEN: Thank you. I think that concludes the individuals that wanted to testify. I -- I did promise I would ask the question of Becky about the remainder parcel. Becky, are you still there and could you answer that question if you recall

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

what it was?

HEWITT: I am here, but I'm afraid I have no further light to shed on that question beyond what Bob Pool already said.

Jose, I don't know if you wanted to add anything to that, but I do not have any further information. Bob Pool I think answered that in terms of how, how that land is counted depending on whether it's in the UGA or not.

O'BRIEN: Okay. Thank you. Jose, did you have anything to add to that or was that --

ALVAREZ: That's correct. What Bob said was that once if the, if the remainder cluster lot is brought into the urban growth boundary, then we'll consider that in the VBLM model, but it is not brought into the UGA, we don't include it as capacity either in the rural area or in the urban area.

O'BRIEN: Okay. Thank you. Are there questions from the Council to, to the presenters here? I don't see or hear any.

MEDVIGY: Madam Chair.

O'BRIEN: Councilor Medvigy.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

MEDVIGY: Yeah. I, maybe it's because of my prior life or lives outside of this Council, but I'm very concerned with some of the allegations by some and I know this, there was a lot of adversarial comments made throughout this proceedings that at least that have come to our attention since we've had public hearings, but let, I would really like to know is, you know, what are, what is our ability as a Council to vote on these choices when we've had these allegations that it's not supported by the law, there's case law that you can't do it, you know, that's I would turn to my lawyer and say do I have this ability to vote on this and one of the issues that's come up over and over again, I keep hearing, you know, in that as the adversarial and advocacy comes out for certain parties, you know, they claim that the other side has no data and no basis for their opinion.

Now I, so as a trial, as a trial lawyer, as a judge, I know that when people testify as experts, you know, you consider their background, their experience, the validity of their opinion and that is evidence, you know, some things can't be characterized or captured or measured accurately by data, and obviously we've seen a lot of data that really hasn't borne through and we don't have enough inventory, that's clear on

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

the entire West Coast but certainly aggravated in this metropolitan area.

So when someone testifies that we need 7.9 percent for schools and 12.8 for parks that is evidence of that fact, it may not be persuasive or it may be in the totality of the basis for that opinion, but I'd like to hear from our lawyers whether or not we're on good footing because that, you know, I don't want to start rendering opinions or, or votes on opinions if they're not going to be considered as evidence of those facts and then, you know, we just bought ourself a lawsuit and we'll lose.

I mean, I, I would feel pretty comfortable voting on Items 1 through 13 and I believe 11 and 12 there was no, there wasn't a recommendation, so I would omit those, but I, I feel pretty comfortable going with the BLPAC recommendations of 1 through 13 and then having our lawyers talk to us whether in executive session or not on whether or not our vote on the remaining more controversial issues whether we have a legal authority to do that. I mean, I, I don't want to vote on something and then just buy a lawsuit and then lose two years from now, so those are my concerns.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

I've -- I've -- I've heard from all sides and it has been for me one of being inclusive of wanting to better inform myself of, of all the possibilities and, you know, I just pretty, pretty strongly with one of the speakers that basically said in essence forget it, you can't have enough inventory because you're in the Portland area so, you know, you'll never be able to address affordability, homelessness, equity issues with housing if we try to increase our inventory, I, I disagree with that. I think we need to increase our inventory to right side the marketplace again and we know that's a fact.

We've also been told that we now have well over 500,000 people in this county and, and that's going to be a documented fact and that we need thousands of homes, rooftops that we don't have right now under the existing models that have been used and for prior planning and the comprehensive update, so I want to fix that if I can. So anyway those are my comments.

I -- I -- I -- so Christine Cook was on before, I don't know how long it would take her to analyze some of the case law that was cited or legal opinions that were cited that were basically somewhat I think bullying, hey, if you vote against us we're going to sue you, I mean that's how I took some of it. But is Christine Cook on, does she have anything to add?

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

COOK: Yeah, Councilor, I am on. Can you hear me?

MEDVIGY: Yes.

COOK: Okay. Great. Well, thank you for the question. I would certainly be very happy to discuss in an executive session or in another privileged session what I think the legal risks of one course of action or another are. So if you would like to set that up, I would be happy to, if we could set that up I would be happy to do it.

I don't think -- I don't know whether executive session is planned for tomorrow's Council Time, in any event we're less than 24 hours away, so perhaps another sort of session would be advisable.

OTTO: I can clarify for tomorrow's meeting. We do have an executive session notice and what we would have to do is just amend the agenda at Council Time if the Council chooses to move in that direction.

MEDVIGY: And so I do throw out there to the Council that if the, if the rest of us are somewhat agreeable with 1 through

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

13 or, you know, I just chose that number because it looked like the bulk of the recommendations were pretty strong by the BLPAC, I just thought if we could get some of this under our belt and out of the way.

O'BRIEN: Actually, yeah, Councilor Medvigy, what I would rather do is if we can't vote on the entire spreadsheet here and, and make a decision with that, I think what we need to do is move to another, to continue to another date certain because I'm not going to mess with doing partial, partial, partial work here.

So, Kathleen, is there another date certain that we might be able to do this and make our, and make the timeline necessary?

OTTO: So the next hearing date is on June 6th or July 6th, my apologies, July 6th is the next hearing, scheduled hearing date, and Oliver and Jose can correct me if I'm wrong, I think we have a little time to actually submit the report but any work that staff does on this after June 30th will be charged to general fund.

ORJIAKO: Council, County Manager, this is Oliver, you are absolutely correct, yes, we did ask for amendment through the

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

State and there still in terms of funding that closes on June 30th, so unless the Council just continues the hearing we will be available to answer questions and I think Chris Cook is requesting perhaps executive session based on the question of how to respond to Council Medvigy question, so...

COOK: Then might I, might I amend my suggestion that if it would not be possible to vote on this before July 6th if I could have another week for to get to gather my conclusions together before discussing this with you it would probably allow me to do a better job than if I had to throw it together tomorrow morning.

O'BRIEN: And I would say, Christine, thank you for that. I -- I don't believe I will be in town on July 6th for the July 6th hearing, I could be, but I, I have tentative plans not to be and so we may have to put that hearing off until the July 20th hearing.

ORJIAKO: Councilors, I, I too have submitted a request to go see my mom so I will not be here, but July 20th I will be here, so if you push it to July 20th that will work for me. Thank you, Councilors.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

BOWERMAN: Madam Chair.

O'BRIEN: Councilor Bowerman.

BOWERMAN: Could someone please explain to me why we couldn't get an answer to Councilor Medvigy's question tomorrow and then continue the hearing to some special date whether it be later this week or early next week and proceed as has been recommended, why can't we do that, get it done?

COOK: Councilor, I, I was asked to do legal research and provide some answers. I guess it all depends on the quality and extent of the research that you would like me to do. So I actually do have another meeting and some obligations tomorrow, not before, but tomorrow, and I would strongly prefer that I be able to do some quality research and discuss this with planning and others in my office and then get back to you, I think that would improve the quality of the result.

BOWERMAN: What time frame are you asking for?

COOK: I'm asking for your next regular executive session meeting.

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

O'BRIEN: So that would be either, that would be not this coming Wednesday but the following Wednesday.

COOK: Right.

BOWERMAN: And then how quickly after that could there be an extension of this meeting to take a vote if that has been the outcome of the meeting with Ms. Cook?

COOK: Yeah, I believe that, that Chair O'Brien would like to, what I understood her to say is that she does not plan to be available for the next Council meeting and so she would prefer that it go to the July 20th meeting.

BOWERMAN: Well, I was not aware that we could not have a special meeting that would pick up where this hearing is leaving off in order to answer the question that Councilor Medvigy had asked, so...

O'BRIEN: Okay. So, Kathleen, could we, would it be possible to notice a Council hearing for instance on the 29th of June?

COOK: Councilor, if this is a special meeting, which I suppose it would be, that would beat the notice requirement to

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

the Open Public Hearings Act, so that, that's the time frame. The issue is we have to be sure at this point exactly when it will be because in order to continue I think we need to give a date and time certain.

O'BRIEN: Since we used to actually, since we used to actually meet on a weekly basis for Council hearings, Council, you know, every Tuesday we met and so I don't see what would be wrong with setting a Council meeting for the 29th because it's an additional Tuesday in the month of June.

OTTO: Council, this is Kathleen, if I may, if it's okay with you I'd like to just discuss this with staff and I can send you the earliest date possible because we do have required notice that we need to put out there, so if you could give me and I'll, I can bring it up tomorrow actually during Council Time, but, yes, we can actually have a special meeting and usually that special meeting has to be 24 hours in advance, but due to the fact that this is a public hearing there might be different requirements, so I would recommend that I can share the dates tomorrow morning at Council Time so that we're meeting our legal requirements.

O'BRIEN: What about the legal requirements for us to now

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

leave this to a date certain, continue to a date certain? We don't have a certain date so we can't continue it.

OTTO: Chris, can they continue this to tomorrow?

COOK: Tomorrow's not a public hearing.

MEDVIGY: I -- I deeply regret having started this conversation. I had no idea, I was looking for efficiency and, and completeness, and I don't want to be misunderstood. I think Christine characterized it correctly in the beginning, I was just looking to see if, if we were on stable ground on some of these votes.

Why don't we go ahead and see if we can get through this. I mean most of this I think is probably agreeable that we could vote on and, and then if we can't get through them, we can try to figure out how to proceed in the future, but I mean we've already spent about ten minutes trying to figure out if we could have another meeting.

O'BRIEN: Councilor Bowerman, do you have an option?

BOWERMAN: Are we going to proceed without legal consultation,

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

is that --

MEDVIGY: Well, we had legal consultation, she's on, we just heard from her a little bit.

BOWERMAN: I mean I have, I do indeed have a motion, but I don't want to proceed with it if that's not the will of this body.

MEDVIGY: That's not how I wanted to proceed but it's like a futile act, I mean we can't get legal advice in a timely way, we can't set a meeting in a timely way and I mean I, I'm prepared to vote on, on all of this, but it may take another hour or two to go through some of these, some of these numbers I do disagree with.

O'BRIEN: Okay. Okay. I'll tell you what I'm going to do, I'm just going to, I am going to continue this meeting until July the 20th and we will have gone through, I regret that any, any penny should come out of the general fund to fund anything that our staff does beyond June 30th, so I guess I'm kind of giving fair warning staff, get your work done by June 30th and then we'll have a hearing on July 20th because of, because that is the next, the next hearing where we're

**CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE**

safe to be able to notice that and, and get it done then because it does not take another hour to go through this.

We have a motion and vote on it which would include whatever we want to include, but if you have disagreement about the numbers, then it is futile act, we do not have enough people to vote on this. So can I have a motion to continue this until a date and time certain, a date certain, please.

MEDVIGY: I'll go ahead and second that.

O'BRIEN: I'm asking for the motion. Will you make the motion, Councilor Medvigy?

MEDVIGY: Oh, I'm sorry, I guess I thought you made the motion. One, to get Christine Cook to evaluate what we heard today as far as our legal risk and, and to do that as quickly as possible. Two, to have to continue this hearing or decision on a specific date in the future and are we still waiting for Kathleen to --

O'BRIEN: No, July 20th. July 20th.

MEDVIGY: Okay. July 20th.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

O'BRIEN: Do I have a second? Okay. We don't have a second. How about another motion to have a hearing with a date certain being June the 29th, Tuesday, June the 29th. I'll make that motion. Do I have a second?

MEDVIGY: I'll second.

BOWERMAN: Second.

O'BRIEN: It's been moved and seconded to move this hearing to date certain, July, excuse me, June the 29th, it's going to be a daytime hearing, 10:00 a.m. Any further discussion? All in favor please say aye.

EVERYBODY: AYE

O'BRIEN: Okay. Motion passes.

CLARK COUNTY COUNCILORS
MINUTES JUNE 15, 2021
BUILDABLE LANDS UPDATE

CLARK COUNTY COUNCIL



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Temple Lentz, Councilor



Julie Olson, Councilor



Karen Dill Bowerman, Councilor



Gary Medvigy, Councilor

ATTEST:



Rebecca Messinger, Clerk to the Council



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